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June 22, 2009

**VIA E-MAIL**

Mr. David Stawick  
Office of the Secretariat  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21st Street, N.W.  
Washington, D.C. 20581

**Re: Rule Certification. New York Mercantile Exchange, Inc. Submission #09.120: Notification of Rule Amendments to the Three Minute-Marker Futures Contracts for Crude Oil, RBOB Gasoline and Heating Oil Listed on CME ClearPort and on the NYMEX Trading Floor**

Dear Mr. Stawick:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") is notifying the Commodity Futures Trading Commission ("CFTC" or "Commission") that it is self-certifying amendments to rules 231.07, 235.07, and 239.07, which revise the calculation of the final settlement price for the following three Minute-Marker futures contracts:

<u>Contract</u>	<u>Code</u>	<u>Chapter</u>
NYMEX Crude Oil Minute-Marker Futures	6C	231
NYMEX RBOB Gasoline Minute-Marker Futures	6R	235
NYMEX Heating Oil Minute-Marker Futures	6H	239

This amendment will take effect beginning with the August 2009 contract month for all three Minute-Marker futures contracts.

This amendment will revise the final settlement price such that the minute-marker contracts will settle using the underlying settlement prices for the NYMEX Light Sweet Crude Oil, RBOB Gasoline, and Heating Oil futures contracts. The amended language reflects the preferred final settlement methodology for market participants and is made in response to customer demand. Please note that none of the three Minute-Marker futures contracts for crude oil, RBOB gasoline, and heating oil hold any open interest in the August 2009 contract month.

Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the attached amendments comply with the Act, including regulations under the Act. The attached amendments will become effective on trade date Wednesday, June 24, 2009.

Should you have any questions concerning the above, please contact Daniel Brusstar at (212) 299-2604 or the undersigned at (212) 299-2207.

Sincerely,

/s/ Brian Regan  
Managing Director, Regulatory Counsel  
Attachment: Rule amendments

## Rule Amendments

(bold/underline indicates insertion; ~~strikethrough~~ indicates deletion)

### **NYMEX Crude Oil Minute-Marker Futures contract**

#### **231.07 Final Settlement**

Delivery under the contract shall be by cash settlement. The final settlement price will be the ~~Floating Price calculated for each daily contract~~ front month settlement price of the NYMEX Light Sweet Crude Oil Contract on the penultimate (second-to-last) trading day.

### **NYMEX RBOB Gasoline Minute-Marker Futures contract**

#### **235.07 Final Settlement**

Delivery under the contract shall be by cash settlement. The final settlement price will be the ~~Floating Price calculated for each daily contract~~ front month settlement price of the NYMEX New York Harbor RBOB Gasoline Futures Contract on the penultimate (second-to-last) trading day.

### **NYMEX Heating Oil Minute-Marker Futures contract**

#### **239.07 Final Settlement**

Delivery under the contract shall be by cash settlement. The final settlement price will be the ~~Floating Price calculated for each daily contract~~ front month settlement price of the NYMEX New York Harbor Heating Oil Contract on the penultimate (second-to-last) trading day.